

NO. _____

In The
Supreme Court of the United States

MARK ANTHONY CRUDUP, JR,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO THE
HONORABLE JOHN G. ROBERTS, JR., AS
CIRCUIT JUDGE FOR THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT**

Charles R. Brewer
Counsel of Record for Petitioner
79 Woodfin Place, Suite 211
Asheville, NC 28801
828-251-5002
crboffice@aol.com

To the Honorable John G. Roberts, Jr., as Circuit Judge for the United States Court of Appeals for the Fourth Circuit:

NOW COMES the Petitioner, by and through his undersigned court-appointed counsel, pursuant to Rule 13.5 of the Supreme Court Rules, moving for a 60 day extension within which to file a petition for writ of certiorari. This extension is sought exclusively for Mark Anthony Crudup, Jr. The Fourth Circuit entered its opinion affirming the defendant's conviction on August 31, 2023, a copy of which is attached hereto as Exhibit 1. The Fourth Circuit's judgment of the same day is attached as Exhibit 2. The undersigned filed his motion to withdraw as defendant's counsel in the Fourth Circuit on October 31, 2023. Doc. 39. A copy of this is attached hereto as Exhibit 3. The undersigned has earlier contacted the Fourth Circuit clerk to determine when the motion will be ruled upon, and the clerk simply opined that it was before the Court.

The 90 days jurisdictional period for the filing of a petition for writ of certiorari expires on November 29, 2023. The undersigned has not heretofore filed a petition for certiorari before this Court in that he has been anticipating the Fourth Circuit would grant his motion to withdraw, and the responsibility for the filing of a certiorari petition would shift to the defendant.

While the undersigned has filed a motion with the Fourth Circuit requesting the Court to rescind and thereafter refile its opinion or alternatively entertain an untimely petition for rehearing or to *sua sponte* consider rehearing today, no ruling has been made on said motion which is opposed by the government. The purpose of this motion is

to extend the time for commencement of the certiorari period. Obviously, the defendant has been left without knowing whether or not he has counsel. The undersigned assumes that defendant has not filed a petition for writ of certiorari with this Court even though he has been made aware of the date when such a petition must be filed. Whether the fault of the defendant being in the position he is in is a result of the neglect by the undersigned or as a result of the neglect by the Fourth Circuit in failing to rule on the motion to withdraw, the defendant is nonetheless without fault and should not be deprived of his opportunity to file a petition for writ of certiorari before this Court.

For these reasons, petitions requests a 60 day extension of time to petition for a writ of certiorari to January 29, 2024.

Dated: November 27, 2023
 Asheville, North Carolina

Respectfully submitted,

/s/Charles R. Brewer
Charles R. Brewer
Counsel of Record
79 Woodfin Place, Suite 211
Asheville, NC 28801
(828) 251-5002
crboffice@aol.com

